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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010 - 271**

13 **AMELIA TOGBA-ADDY**
14 **a.k.a. AMELIA TOGBA**
547 Easton Drive
Locust Grove, GA 30248

A C C U S A T I O N

15 Registered Nurse License No. 685516

16 Respondent.

17
18 Louise R. Bailey, M.Ed, RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about August 3, 2006, the Board issued Registered Nurse License Number
24 685516 ("License") to Amelia Togba-Addy a.k.a. Amelia Togba ("Respondent"). The License
25 was in full force and effect at all times relevant to the charges brought herein, and will expire on
26 March 31, 2010, unless renewed.

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3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, the Board may discipline any licensee, including a licensee holding a temporary or an active license, for any reason provided in Article 3 (commencing with section 2750) of the Long Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

5. Code section 2811(b) provides, in pertinent part, that the Board may renew an individual's license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing actions."

7. Code section 2762 states:

“In addition to other acts constituting unprofessional conduct within the meaning of this Act [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this Act to do the following:

(c) Falsify or make grossly incorrect, grossly inconsistent, or unintelligible entries in any al, patient, or other record pertaining to the substances described in subdivision (a) of this n.”

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8. California Code of Regulations, title 16, section 1442, states

“As used in Section 2761 of the code, ‘gross negligence’ includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been expected of a competent registered nurse. Such an extreme departure means the repeated failure

1 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
2 a single situation which the nurse knew, or should have known, could have jeopardized the
3 client's health or life."

4 **COST RECOVERY**

5 9. Code section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations
7 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **DRUGS**

10 10. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as
11 designated by Health and Safety Code section 11055(b)(1)(K).

12 11. "Demerol," a brand of meperidine hydrochloride, a derivative of pethidine, is a
13 Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17).

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

16 12. Respondent is subject to discipline under Code section 2761(a), on the grounds of
17 unprofessional conduct, as defined in Code section 2762(c), in that between September 18, 2006,
18 and September 20, 2006, while employed by Agostini Nursing Agency as a traveling nurse, and
19 on assignment at Mercy General Hospital, located in Sacramento, California, Respondent
20 falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or
21 patient records in the following respects:

22 **Patient 1:**

23 a. On or about September 18, 2006, at 2207 hours, Respondent signed out two (2) 4
24 mg. injectables of Dilaudid. At 2225 hours, Respondent charted the administration of 2 mg. of
25 Dilaudid, but failed to account for the disposition of the remaining 6 mg.'s of Dilaudid in any
26 hospital or patient record. Furthermore, the signing out of two (2) 4 mg. injectables of Dilaudid
27 was excessive, in that one (1) 4 mg. injectable or two (2) 1 mg. injectables would have been
28 sufficient per the physician's order, which called for 2 mg. of Dilaudid every two to three hours.

1 b. On or about September 19, 2006, at 0537 hours, Respondent signed out two (2)
2 1 mg. Dilaudid injectables. At 0600 hours, Respondent charted the administration of 3 mg. of
3 Dilaudid, which is inconsistent with the amount of Dilaudid that Respondent signed out, and
4 inconsistent with the physician's orders which called for the administration of 2 mg. of Dilaudid
5 every two to three hours.

6 **Patient 3:**

7 c. On or about September 18, 2006, at 0330 hours, Respondent charted the
8 administration of 50 mg. of Demerol, which is inconsistent with hospital or patient records, in
9 that Respondent did not sign out any Demerol at that time.

10 **Patient 6:**

11 d. On or about September 20, 2006, at 2101 hours, Respondent signed out one (1)
12 25 mg. Demerol injectable without a physician's order, and failed to account for the disposition
13 of the Demerol in any hospital or patient record. Furthermore, Respondent was not assigned to
14 care for that patient.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Gross Negligence)**

17 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
18 unprofessional conduct as defined in Code section 2761(a)(1), in that between
19 September 18, 2006, and September 20, 2006, while employed by Agostini Nursing Agency as a
20 traveling nurse, and on assignment at Mercy General Hospital, located in Sacramento,
21 California, Respondent demonstrated an extreme departure from the standard of care in the
22 following respects:

23 **Patient 1:**

24 a.. Respondent failed to maintain the custody and control of 6 mg. of Dilaudid, in
25 that Respondent withdrew two (2) 4 mg. injectables of Dilaudid, administered 2 mg. of Dilaudid,
26 then placed the remaining 6 mg.'s of Dilaudid in her pocket. At the end of her shift, Respondent
27 discovered the 6 mg.'s of Dilaudid was missing from her pocket.

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1 b. Respondent withdrew an excessive amount of Dilaudid, in that she withdrew (2) 4
2 mg. injectables of Dilaudid, when one (1) 4 mg. injectable or two (2) 1 mg. injectables of
3 Dilaudid would have been sufficient, pursuant to the physician's orders which called for the
4 administration of 2 mg.'s of Dilaudid every 2-3 hours, as set forth above in paragraph 12(a).

5 c. Respondent failed to accurately document the administration of Dilaudid in the
6 patient's record, in that Respondent charted the administration of 3 mg. of Dilaudid, when
7 Respondent only signed out 2 mg. of Dilaudid. In addition, the administration of 3 mg. of
8 Dilaudid is inconsistent with physician's orders which called for the administration of 2 mg. of
9 Dilaudid every two to three hours, as set forth above in paragraph 12(b).

10 **Patient 3:**

11 d. Respondent failed to accurately document the administration of Demerol, as set
12 forth above in paragraph 12(c).

13 **Patient 6:**

14 e. Respondent withdrew 25 mg. of Demerol without a physician's order, and for a
15 patient who she was not assigned to care for, as set forth above in paragraph 12(d).

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 14. Respondent is subject to discipline under Code section 2761(a), in that between
19 September 18, 2006, and September 20, 2006, while employed by Agostini Nursing Agency as a
20 traveling nurse, and on assignment at Mercy General Hospital, located in Sacramento,
21 California, Respondent engaged in unprofessional conduct, as more particularly set forth above
22 in paragraphs 12 and 13.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

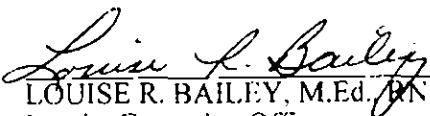
26 1. Revoking or suspending Registered Nurse License Number 685516, issued to
27 Amelia Togba-Addy a.k.a. Amelia Togba;

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1 2. Ordering Amelia Togba-Addy a.k.a. Amelia Togbato pay the Board of Registered
2 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 11/24/09

6 
7 LOUISE R. BAILEY, M.Ed., RN
8 Interim Executive Officer
9 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

10 SA2009310366
11 Accusation (kdg) 7/23/09

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